IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

**APPEAL NO. 745 OF 2006**
**IN**
**NOTICE OF MOTION NO. 170 OF 2005**
**IN**
**SUIT NO. 24 OF 2005**

Godrej Sara Lee Ltd., .. Appellant.

V/s.

Knight Queen Industries Pvt.Ltd., .. Respondents.

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Mr. Salil Shah with Ms. Deepa Hate i/by M/s. Gajaria & Co. for the Appellant.

Mr.Kiran Mehta i/by Mr.G.S.Hegde & Mr. V.A.Bhagat for the Respondents.

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**CORAM : R.M.LODHA & S.A.BOBDE,JJ.**

**DATED : 13TH NOVEMBER, 2006.**

**P.C.:**

. We heard the counsel for the Appellant.

2. The counsel for the Appellant strenuously urged that letters and the fonts in the label at ‘Y’, continue to be closely similar to the Appellant’s label "Good Knight".

3. We are unable to agree with the counsel for the Appellant. The label at ‘Y’, which the defendants have undertaken to use for their mosquito coils and electrically operated apparatus, cannot be said to be

exactly identical or closely similar to the plaintiff's trade mark and copyright. As a matter of fact, the label at 'Y' has a different colour scheme. Instead of red background, it has green background. Letter 'K' in label at 'Y' is so designed that it gives an impression of mosquito attached to it. The font 'K' in the Appellant's trade mark word "Knight" is distinct and dis-similar to the font 'K' in the defendants' trade mark. Besides that the word "Knight" in the plaintiff's label has a different look than the word "Knight" appearing on the defendants' label at 'Y'.

4. In this view of the matter, the impugned order does not call for any interference.

5. Appeal is dismissed in limine.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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